

REMARKS

The present application has been reviewed in light of the non-final Office Action dated September 11, 2008. Claims 47-59 were pending. Claims 1-46 were previously cancelled. Claims 60-63 were previously withdrawn by the Response to Restriction Requirement filed August 11, 2008. By this Amendment, claims 47, 50, 53, and 55 have been amended to clarify the claimed invention, claims 51, 56, and 60-63 have been cancelled and new claims 64 and 65 have been added. Accordingly, claims 47-50, 52-55, 57-59, 64 and 65 are now pending, with claims 47 and 53 being in independent form.

It is submitted that no new matter has been introduced by this Amendment. Support for the amendments to claims 47, 50, 53 and 55 can be found in the application at, for example, page 12, line 23 through page 13, line 7, page 24, line 20 through page 25, line 2, and page 37, line 22 through page 38, line 2. Support for new dependent claims 64 and 65 can be found in the application at, for example, page 30, lines 13-26. Therefore, entry of this Amendment is respectfully requested.

In the Office Action, claims 47-59 were rejected under 35 U.S.C. §102(e) as being purportedly anticipated by U.S. Patent Application Publication No. 2003/0139661 to Kimchy et al., (hereinafter "Kimchy").

The present application describes a medical apparatus for use with a capsulated medical device having an imager for obtaining an image and an external reception system placed outside of a body for receiving data of the image. The medical apparatus includes a display section for displaying the image transmitted from the external reception system during a medical procedure while the capsulated medical device is in the body for purposes of, for example, confirming the operation of the imager.

By this Amendment, independent claim 47 has been amended to clarify the claimed invention. Specifically, claim 47 has been amended to recite (in clean copy):

“A medical apparatus adapted for use with a capsulated medical device having an imager for obtaining an image and an external reception system placed outside of a body for receiving data of the image, the medical apparatus being operable with the external reception system and comprising:

a communication section through which the external reception system is connected and the data of the image is transmitted from the external reception system, the external reception system receiving data of the image wirelessly transmitted from the capsulated medical device through an antenna and storing the received data of the image in a storage section;

a display section which at least temporarily displays the image transmitted from the external reception system while the capsulated medical device is in the body; and

a drive power supply section including a battery for supplying a driving power to at least the communication section.”

Independent claim 53 has been similarly amended.

Furthermore, dependent claims 50 and 55 have been amended to clarify that the display section displays the image to allow a user to monitor a status on an operation of the imager to confirm whether the image is obtaining the image.

For a rejection on the ground of anticipation, each and every element as set forth in the claim must be expressly or inherently described in the single prior art document (see M.P.E.P. §2131).

Kimchy describes a diagnostic system 10 including an ingestible device 12, an extracorporeal apparatus 18, and a computer station 20. Computer station 20, which was cited by the Examiner as disclosing a display section which at least temporarily displays the image transmitted from the external reception system, is merely described in Kimchy as optionally including a receiver 46 or a transmitter and receiver system 46 for communicating with a transmitter and receiver system 42 of extracorporeal apparatus 18.

Each of independent claims 47 and 53 have been amended to clarify that the recited display section at least temporarily displays the image transmitted from the external reception section while the capsulated medical device is in the body. Hence, a distinguishing feature in each of claims 47 and 53 is characterized in that in the medical device configured to be used with the capsulated medical device, the display section temporarily displays the image from the capsulated medical device while the capsulated medical device is in the body.

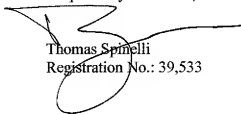
Therefore, Applicant respectfully submits that Kimchy fails to disclose or suggest a medical apparatus including, *inter alia*, a display section which at least temporarily displays the image transmitted from the external reception system while the capsulated medical device is in the body, as set forth in independent claims 47 and 53. Therefore, independent claims 47 and 53 and the claims depending therefrom are patentable over Kimchy.

Accordingly, withdrawal of the rejection of claims 47-50, 52-55 and 57-59 pursuant to 35 U.S.C. §102(e) is respectfully requested.

Applicant further submits that Kimchy fails to disclose or suggest (i) the medical apparatus according to claim 47, further comprising an adjusting portion which provides data for adjusting the image using the received image data, as set forth in new dependent claim 64, and (ii) the medical apparatus according to claim 64, wherein the data for adjusting the image includes data for correcting the position of the image. Accordingly, claims 64 and 65 are separately patentable over Kimchy.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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